

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF EAST)	
KENTUCKY POWER COOPERATIVE, INC. AND)	
ITS MEMBER DISTRIBUTION COOPERATIVES)	CASE NO.
FOR APPROVAL OF PROPOSED CHANGES TO)	2021-00198
THEIR QUALIFIED COGENERATION AND SMALL)	
POWER PRODUCTION FACILITIES TARIFFS)	

ORDER

A formal conference was held in the above-styled matter was held by video on Friday, September 10, 2021, at 2:30 p.m. Eastern Daylight Time.

At the conclusion of the formal conference, East Kentucky Power Cooperative, Inc. (EKPC) stated that it will not put the qualified cogeneration and small power production facilities tariffs into effect, subject to refund, on November 1, 2021, if the Commission does not issue an Order on or before the suspension date, October 31, 2021.

Also at the conclusion of the formal conference, counsel for EKPC moved to incorporate the August 3, 2021 hearing testimony of David Crews, EKPC's senior vice president of power supply, in Case No. 2021-00103,¹ into the record of this case. Upon review of the motion, the Commission determined that the entire record of Case No. 2021-00103 should be incorporated by referenced into this proceeding. The Commission concludes that the better practice is to incorporate the entirety of the record so that relevant information can be considered in totality.

¹ Case No. 2021-00103, *Electronic Application of East Kentucky Power Cooperative, Inc. for a General Adjustment of Rates, Approval of Depreciation Study, Amortization of Certain Regulatory Assets, and Other General Relief* (PSC Aug. 24, 2021), Notice of Filing Hearing Documents.

Finally, at the conclusion of the formal conference, staff counsel requested to file post-formal conference data requests. The Commission requested that counsel for East Kentucky Power Cooperative, Inc. (EKPC) file a post-formal conference brief addressing whether using the clearing price of a recent incremental capacity market auction as the capacity payment in the stated rate on EKPC's tariff for use in a five-year fixed contract for a qualifying facility is acceptable and consistent with FERC's PURPA regulations and other applicable federal and state law.

IT IS THEREFORE ORDERED that:

1. Post-formal conference data requests, if any, shall be filed on or before September 15, 2021.
2. Responses to post-formal conference data requests shall be filed on or before September 23, 2021.
3. EKPC shall file a memorandum brief regarding using capacity market auction results as indicated in this order on or before October 1, 2021.
4. The record of Case No. 2021-00103 is incorporated by reference into the record of the instant case.
5. This case shall stand submitted for a decision by the Commission effective 12:01 a.m., October 2, 2021.

By the Commission



ATTEST:


Executive Director

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